

UNITED STATES DISTRICT COURT

EASTERN

District of

United States of America

V.

JOSE ELIAS MARQUEZ

Defendant

Case Number: 1:05-cr-148 OWW

ORDER SETTING CONDITIONS
OF RELEASE**FILED**
JUL - 1 2005CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) Courtroom Two, 1130 O Street

Place

Fresno, CA

on

8/22/2005 1:30 am

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (☐) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

LEANOS, Jose Elias Marquez

Dkt. No. 05-0148 OWW

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

(X) (6) The defendant is placed in the custody of:

Name of person or organization Martha Feliciano and Harish Brahmhatt

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED:

Martha 4. Feliciano
CUSTODIAN OR PROXY

(X) (7) The defendant shall:

- (X) (a) maintain or actively seek employment, and provide proof thereof to the PSO, upon request.
- () (b) maintain or commence an educational program.
- (X) (c) abide by the following restrictions on his personal associations, place of abode, or travel:
Reside at a residence approved by the PSO, and not move or be absent from this residence for more than 24 hrs. without prior approval of PSO; travel restricted to the Central District of California, and Fresno, California, for court-related purposes only, unless otherwise approved in advance by PSO.
- (X) (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: Fidel Carrizoza, Ricardo Osorio, David Figueroa, James Salinas, Gavino Salas, Anna Vidal, Berdardo Gonzalez, and Abel Valdez-Martinez, unless in the presence of counsel or otherwise approved in advance by the PSO.
- (X) (e) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations.
- () (f) comply with the following curfew:
- () (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- () (h) refrain from excessive use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 USC §802 unless prescribed by a licensed medical practitioner.
- () (i) undergo medical or psychiatric treatment and/or remain in an institution, as follows: Including treatment for drug/alcohol dependency, and pay for costs as approved by the PSO.
- (X) (j) executed a bond or an agreement to forfeit upon failing to appear or failure to abide by any of the conditions of release, the following sum of money or designated property: A \$300,000 bond, secured by collateral or cash, including equity in property owned by Jose and Catalina Leanos.
- () (k) post with the court the following indicia or ownership of the above-described property, or the following amount or percentage of the above-described money:
- () (l) execute a bail bond with solvent sureties in the amount of \$
- (X) (m) you shall submit to the search of your person, property, residence, and vehicle by the Pretrial Services Officer, and any other law enforcement officer under the immediate and personal supervision of the Pretrial Services Officer, without a search warrant.
- (X) (n) surrender any passport to the Clerk, United States District Court.
- (X) (o) obtain no passport during the pendency of this case.
- (X) (p) report in person to the Pretrial Services Agency on the first working day following your release from custody.
- (X) (q) participate in one of the following home confinement program components and abide by all the requirements of the program which will include electronic monitoring or other location verification system.
- (X) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services office or supervising officer.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

X Jose Fidel Lopez M
Signature of Defendant

Address

City and State Telephone

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 7-7-05

[Signature]
Signature of Judicial Officer

Name and Title of Judicial Officer